

PUBLIC WORKS & UTILITIES COMMITTEE

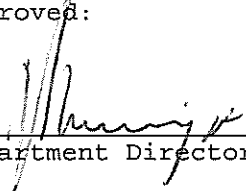
12-0490R

RESOLUTION ACCEPTING GAS UTILITY EASEMENT FROM PLB LLC  
OVER CERTAIN PROPERTY AT WOODLAND AVENUE AND ST. MARIE  
STREET.

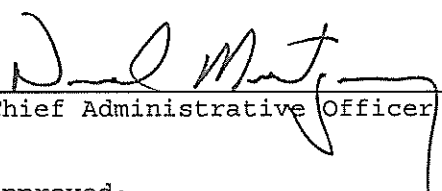
CITY PROPOSAL:

RESOLVED, that the proper city officials are authorized to enter into an agreement, a copy of which is on file in the office of the city clerk as Public Document No. \_\_\_\_\_ with PLB LLC a/k/a PLB, a Minnesota limited liability company, accepting the grant of an underground utility easement for gas line purposes at no cost to the city over certain property in the vicinity of Woodland Avenue and St. Marie Street as more particularly described therein.

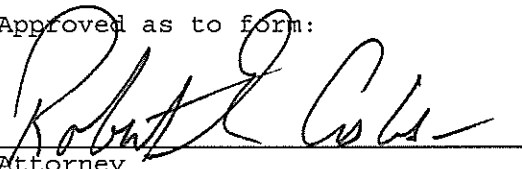
Approved:

  
\_\_\_\_\_  
Department Director


Approved for presentation to council:

  
\_\_\_\_\_  
Chief Administrative Officer

Approved as to form:

  
\_\_\_\_\_  
Attorney

Approved:

  
\_\_\_\_\_  
Auditor

ENG/ATTY REA:dma 09/19/2012

STATEMENT OF PURPOSE: The purpose of this resolution is to accept the grant of easement over the former University Conoco property on the southeast corner of Woodland and St. Marie to allow the extension of a gas line to serve the property.

**EASEMENT AGREEMENT  
FOR UNDERGROUND UTILITIES  
(Gas)**

THIS AGREEMENT, made and entered into this 17th day of September, 2012, by and between PLB, LLC, a/k/a PLB, a Minnesota limited liability company ("PLB"), and CITY OF DULUTH, a municipal corporation under the laws of the State of Minnesota ("City").

WHEREAS, PLB is the owner of:

That part of the N ½ of the NE ¼ of NE ¼, Section 14, Township 50 North of Range 14 West of the Fourth Principal Meridian, described as follows: Commencing at the NW corner of said N ½ of NE ¼ of NE ¼, thence E'ly along the North line of said N ½ of NE ¼ of NE ¼ a distance of 90.00 feet; thence S'ly along a line parallel with the West line of said N ½ of NE ¼ of NE ¼ a distance of 33.00 feet to the intersection with the South line of St. Marie Street and said intersection being the point of beginning of the land to be described; thence continue S'ly along the last described line, a distance of 113.00 feet; thence E'ly parallel with said North line a distance of 92.53 feet; thence deflect 70 degrees 59 minutes 34 seconds to the left in a N'ly direction a distance of 28.93 feet; thence deflect 5 degrees 42 minutes 42 seconds to the left in a N'ly direction a distance of 87.98 feet to said South line of St. Marie Street; thence West along said South line of St. Marie Street being a line 33.00 feet distant and parallel with said North line a distance of 119.93 feet to the point of beginning,

"PLB Property".

WHEREAS, PLB desires to grant and convey to City, to be dedicated for public underground natural gas service line purposes, an easement described herein and shown on the attached Exhibit

A.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, it is hereby agreed by and between the parties hereto, as follows:

1. PLB hereby grants and conveys to City, and City hereby accepts from PLB, to be dedicated for public underground natural gas service line purposes, a perpetual and non-exclusive easement, in and under that part of the PLB Property more fully set forth on the attached Exhibit A, "Easement Property", for the purposes of constructing, installing, operating, reconstructing, replacing, maintaining and repairing underground gas lines and pipes, and related fixtures, equipment and property.

2. Any entry by City to the Easement Property for constructing, installing, operating, reconstructing, replacing, maintaining and repairing such underground gas lines and pipes, and related fixtures, equipment and property shall be upon such notice to PLB as is reasonable under the circumstances, and damage to PLB's property shall thereafter be restored to its condition prior to such entry at City's sole expense.

3. This Agreement and the easement granted herein shall be deemed to be covenants running with the land and shall be binding upon PLB, its successors and/or assigns, and inure to the benefit of City.

IN WITNESS WHEREOF, the foregoing has been executed as of the day and year first above written.

PLB, LLC

By: 

Ryan Boman, Its Chief Manager

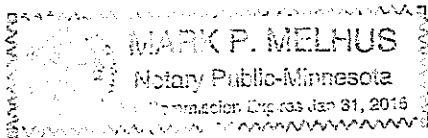
CITY OF DULUTH

By: \_\_\_\_\_  
Don Ness, Its Mayor

B: \_\_\_\_\_  
Jeffrey J. Cox, Its City Clerk

STATE OF MINNESOTA    )  
                                      ) ss.  
COUNTY OF ST. LOUIS    )

On this 17 day of September, 2012, before me a notary public within and for said County, personally appeared Ryan Boman, the Chief Manager of PLB, LLC, a/k/a PLB, a Minnesota limited liability company, to me being personally known, who being by me duly sworn did say that the foregoing instrument was signed on behalf of said limited liability company.



Mark P. Melhus  
Notary Public

STATE OF MINNESOTA    )  
                                      ) ss.  
COUNTY OF ST. LOUIS    )

On this \_\_\_\_\_ day of September, 2012, before me a notary public within and for said County, personally appeared Don Ness and Jeffrey J. Cox, the Mayor and City Clerk, respectively, of the City of Duluth, a municipal corporation under the laws of the State of Minnesota, to me being

personally known, who being by me duly sworn did say that the foregoing instrument was signed on behalf of said municipal corporation.

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Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

William M. Burns  
HANFT FRIDE,  
A Professional Association  
1000 U.S. Bank Place  
130 West Superior Street  
Duluth, MN 55802-2094  
Tel. (218) 722-4766

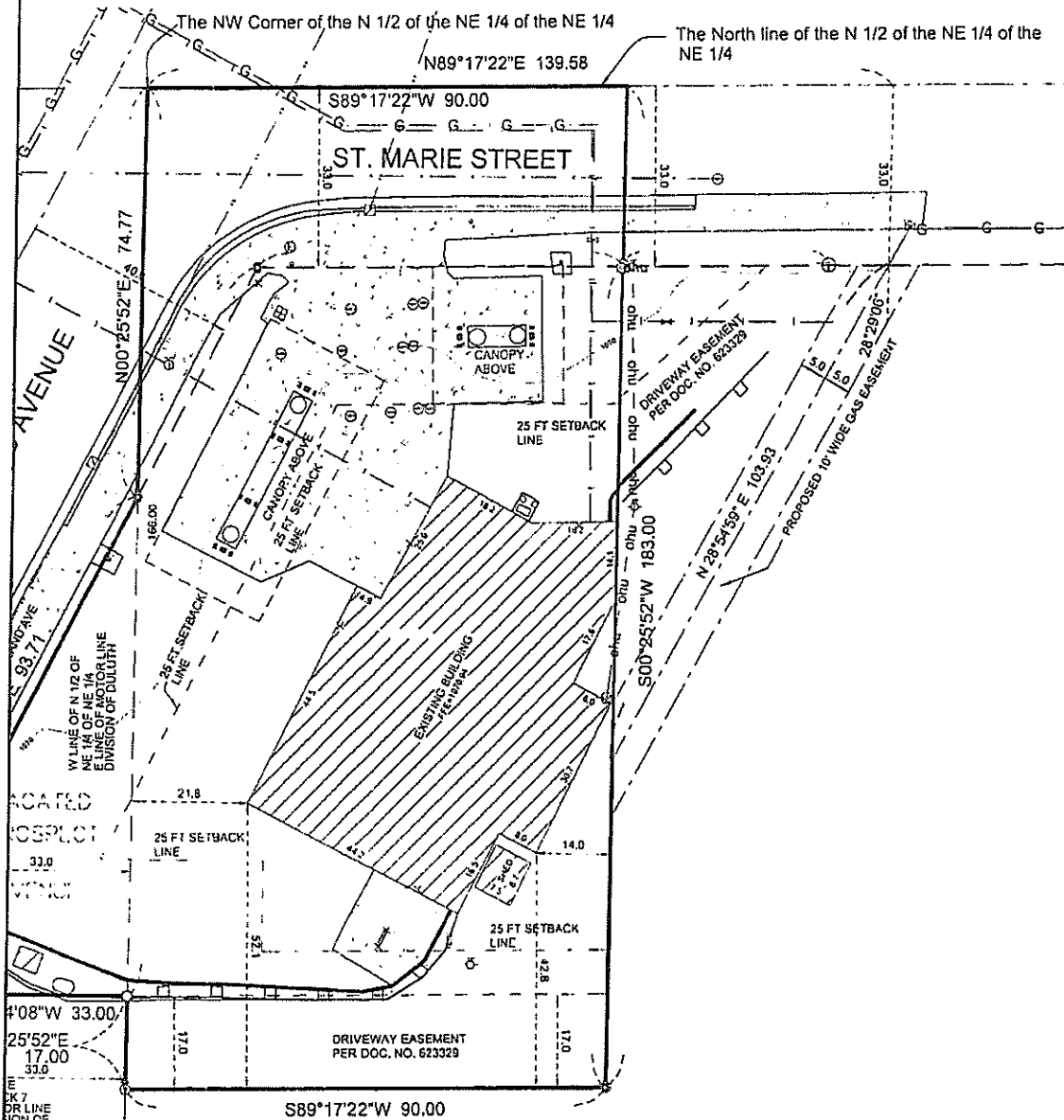
## EXHIBIT A

A 10 foot easement for underground gas lines and pipes, and related fixtures, equipment and property, the centerline for which is described as follows, to-wit:

Commencing at the Northwest corner of the North half of the Northeast Quarter of the Northeast Quarter of Section 14, Township 50 North of Range 14 West; thence East along the North line of said North half of the Northeast Quarter of the Northeast Quarter a distance of 139.58 feet; thence Southerly parallel with the West line of said North half of the Northeast Quarter of the Northeast Quarter of Section 14 a distance of 33.0 feet to the point of beginning of the easement to be described; thence deflect to the right at an angle of 28 degrees 29 minutes 06 seconds for a distance of 103.93 feet to the intersection with a line drawn parallel with and 90.00 feet East of the West line of said North half of the Northeast Quarter of the Northeast Quarter of Section 14, as measured along the north line thereof and said easement centerline there terminating.

The sidelines of said easement are lengthened or shortened to intersect with the North and West property lines of the PLB Property and a map depicting same is attached hereto as Exhibit B.

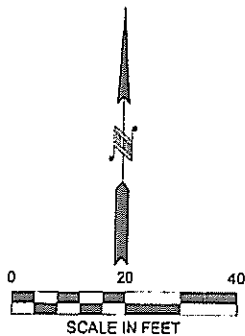
# PROPOSED GAS LINE EASEMENT



## LEGAL DESCRIPTION OF PROPOSED GAS LINE EASEMENT

A 10 foot wide easement for gas line purposes over that part of the North half of the Northeast Quarter of the Northeast Quarter of Section 14, Township 50 North, Range 14, West, the centerline of said easement is described as follows:

Commencing at the Northwest corner of said North half of the Northeast Quarter of the Northeast Quarter of Section 14, thence East along the North line of said North half of the Northeast Quarter a distance of 139.58 feet, thence Southwesterly parallel with the West line of said North half of the Northeast Quarter of the Northeast Quarter of Section 14 a distance of 33.00 feet to the point of beginning of the easement to be described, thence deflect to the right at an angle of 28 degrees 29 minutes 06 seconds for a distance of 103.93 feet to the intersection with a line drawn parallel with and 90.00 feet East of the West line of said North half of the Northeast Quarter of the Northeast Quarter of Section 14, as measured along the north line thereof and said easement centerline there terminating. The sidelines of said easement are lengthened or shortened to intersect with the North and West property lines.



DATE: 9-11-12  
SCALE: 1 IN = 20 FEET  
PROP ADD: 1624 WOODLAND AVE  
PROJECT NO. 12-171

EXHIBIT

3

**ALTA**  
SURVEY COMPANY, INC.  
Residential/Commercial Land Surveying-Land  
Development-Legal Descriptions  
P.O. BOX 161138 Duluth, MN 55806  
Phone: 218-727-5211 Fax: 218-727-3788